

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 320 be amended to read as follows:

- 1 Page 5, between lines 15 and 16, begin a new paragraph and insert:
- 2 "SECTION 4. IC 35-50-5-3.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. (a) This section applies only**
- 5 **to a person convicted of an offense under IC 35-43-5-3.5 (identity**
- 6 **deception).**
- 7 **(b) Except as provided in section 3(i) of this chapter, in addition**
- 8 **to any sentence imposed under this article for a felony or**
- 9 **misdemeanor or any restitution ordered under section 3 of this**
- 10 **chapter, the court may order the person to make additional**
- 11 **restitution to the victim of the crime, the victim's estate, or the**
- 12 **family of a victim who is deceased. The court's order of additional**
- 13 **restitution under this section must be based upon a consideration**
- 14 **of expenses incurred after the person was sentenced, including the**
- 15 **following:**
- 16 **(1) Earnings lost by the victim as a result of the crime,**
- 17 **including earnings lost while the victim corrected the victim's**
- 18 **credit report.**
- 19 **(2) Expenses incurred by the victim in correcting the victim's**
- 20 **credit report, including attorney's fees, accountant fees, and**
- 21 **other reasonable fees paid to a third party.**
- 22 **(3) Any additional interest, penalties, fees, or other economic**
- 23 **loss borne by the victim as a result of the crime.**
- 24 **(c) The trial court shall determine the amount of additional**
- 25 **restitution owed the victim as of the date that the person is released**
- 26 **from:**
- 27 **(1) incarceration, if the person is incarcerated; or**
- 28 **(2) court supervision, if the person is subject to court**
- 29 **supervision;**
- 30 **whichever is later. However, upon the request of the victim, the**
- 31 **trial court may determine the amount of additional restitution**

- 1 owed as of an earlier date.
- 2 (d) A restitution order under this section is a judgment lien that:
- 3 (1) attaches to the property of the person subject to the order;
- 4 (2) may be perfected;
- 5 (3) may be enforced to satisfy any payment that is delinquent
- 6 under the restitution order by the person in whose favor the
- 7 order is issued or the person's assignee; and
- 8 (4) expires;
- 9 in the same manner as a judgment lien created in a civil
- 10 proceeding."
- 11 Page 5, line 17, after "act," insert "**and IC 35-50-5-3.5, as added by**
- 12 **this act,**".
- 13 Renumber all SECTIONS consecutively.
 (Reference is to SB 320 as printed February 14, 2003.)

Senator CLARK